

## Message Text

SECRET

PAGE 01 SEOUL 00359 160931Z  
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 /026 W  
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O 160857Z JAN 78  
FM AMEMBASSY SEOUL  
TO SECSTATE WASHDC NIACT IMMEDIATE 8718

S E C R E T SEOUL 359

EXDIS

E.O. 11652: GDS  
TAGS: PGOV, KS, US  
SUBJ: TONGSUN PARK CASE. TEXT OF DEPARTMENT OF JUSTICE COMMENTS  
RE MEMORANDUM OF UNDERSTANDING

1. FOLLOWING ARE DEPARTMENT OF JUSTICE COMMENTS RE MEMORANDUM  
OF UNDERSTANDING THAT DEP ATTGEN CIVILETTI INTENDS TO MAKE  
AT TIME OF RELEASE OF MOU. RELEASE SCHEDULED FOR 0800  
JANUARY 17, 1978, SEOUL TIME. BY SEPTTEL WE ARE SENDING  
TEXT OF MOU AS SIGNED IN SEOUL. BEGIN TEXT:

DEPARTMENT OF JUSTICE COMMENTS RE MEMORANDUM OF UNDERSTANDING  
DOJ UNDERTAKINGS

PARAGRAPH 5. THIS PROVISION RLEATES TO PHYSICAL SECURITY  
IN THE UNLIKELY EVENT OF PHYSICAL THREATS TO MR PARK.

PARAGRAPH 6. THIS PROVISION PROVIDES DIRECT ACCESS BY  
CONGRESSIONAL COMMITTEES TO THE SWORN TESTIMONY OF PARK  
RECORDEN IN THE TRANSCRIPTS.

PARAGRAPH 9. THIS PROVISION PROVIDES FOR CONTINGENT IMMUNITY  
FROM PAST CRIMINAL ACTS PROVIDED COMPLETE, CANDID AND  
TRUTHFUL TESTIMONY IS GIVEN IN THE INTERROGATION AND ALL  
TRIALS.

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PARAGRAPH 10. DISMISSAL OF INDICTMENT WOULD FOLLOW ONLY  
AFTER THE CONCLUSION OF TESTIMONY AT THELAST TRIAL  
AND ONLY THEN IF HE HAS GIVEN COMPLETE AND TRUTHFUL AND  
CANDID TESTIMONY AT INTERROGATION AND ALL TRIALS.

PARAGRAPH 11. PROVIDES FOR PAYMENTS FOR TRANSPORTATION

IN ACCORDANCE WITH THE LAW.

PARAGRAPH 12. IN SUBSTANCE PROVIDES THE JUSTICE DEPARTMENT WOULD NOT DETAIN MR PARK AGAINST HIS WILL SO LONG AS HE IS LIVING UP TO ALL THE TERMS OF THE MEMORANDUM OF UNDERSTANDING, BUT EXPRESSLY POINTS OUT THAT HIS DEPARTURE WILL BE SUBJECT TO ANY LEGAL PROCEDURES OR PROCESSES ISSUED OR UNDER WAY IN THE US

TONG-SUN PARK UNDERTAKINGS

PARAGRAPH 1. INTERROGATION IN SEOUL. THIS PROVISION, PROVIDES FOR INTERROGATION IN SEOUL. IT PROVIDES FOR ADMINISTRATION OF AMERICAN OATH, DIRECT RECORDING BY A US COURT REPORTER, NEITHER OF THE LAST POINTS OBTAINABLE BY COMPULSORY PROCESS.

PARAGRAPH 2. IS JURISDICTION AND SCOPE AND PERMITS PART TO BE FULLY QUESTIONED CONCERNING CRIMINAL INVESTIGATION AND MATTERS RELEVANT TO IT.

PARAGRAPH 3. PROVIDES FOR POLYGRAPH EXAMINATION OF PARK BY A US EXAMINER OF THE US' CHOICE AT ANYTIME DURING HIS INTERROGATION. THIS PROVISION WOULD NOT BE OBTAINABLE BY COMPULSOR PROCESS.

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PARAGRAPH 4 FULL WAIVER PROVISION. NOT OBTAINABLE BY COMPULSORY PROCESS.

PARAGRAPH 5. PRODUCTION OF RECORDS.

PARAGRAPH 6. FURTHER PRODUCTION OF RECORDS FROM AFFILIATES.

PARAGRAPH 7. PARK'S SPECIFIC UNDERSTANDING BY THE AGREEMENT TO RETURN TO THE US FOR ALL CRIMINAL TRIALS OR RELATED COURT PROCEEDINGS. THIS PARAGRAPH DOES NOT LIMIT THE AUTHORITY OF OTHER BODIES NOR DOES IT ATTEMPT TO LIMIT MR PARK'S BEING SUBJECT TO ANY LEGAL PROCEEDINGS OR PROCESSES. HE SIMPLY DOES NOT VOLUNTEER AS A WITNESS IN OTHER THAN CRIMINAL PROCEEDINGS.

PARAGRAPH 8. THE SECURITY PROVISION. CONCLUDING PARAGRAPH. EXPRESSLY STATES THIS AGREEMENT IS LIMITED TO THE CRIMINAL INVESTIGATION AND DOES NOT BAR, IMPEDE, OR RESTRICT LAWFUL ACTION OF CONGRESSIONAL COMMITTEES.  
END TEXT.

2. FYI - DEPT ATTGEN CIVILETTI PLANNING VERY LOW-KEY  
RELEASE IN SEOUL AND RECOMMENDS SAME FOR WASHINGTON.  
SNEIDER

SECRET

NNN

## Message Attributes

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**Decaption Date:** 20 Mar 2014  
**Decaption Note:** 25 YEAR REVIEW  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
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**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
US Department of State  
EO Systematic Review  
20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014